



THE ATTORNEY GENERAL OF TEXAS

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January 19, 1970

Texas Industrial Accident
Board
State Insurance Building
Austin, Texas 78701

Opinion No. M- 558

Re: Effective date of Senate
Bill 21, Acts of the 61st
Legislature, 2nd C.S.,
1969, Ch. 22, p. 87.

Gentlemen:

Your request for an opinion reads as follows:

"We do hereby request your opinion as to
the effective date of Senate Bill 21, 61st
Legislature, Second Called Session, 1969, as
signed by the Governor on September 19, 1969."

Section 39 of Article III of the Constitution of Texas
provides:

"No law passed by the Legislature, except
the general appropriation act, shall take effect
or go into force until ninety days after the ad-
journment of the session at which it was enacted,
unless in case of emergency, which emergency must
be expressed in a preamble or in the body of the
act, the Legislature shall, by a vote of two-
thirds of all the members elected to each House,
otherwise direct; said vote to be taken by yeas
and nays, and entered upon the journals."

Under the above quoted constitutional provision, the
Legislature in prescribing an effective date prior to the ex-
piration of ninety days after adjournment must pass the act by
a vote of two-thirds of all the members of each House, and that
vote is to be entered upon the journals. Copus v. Chorn, 16 Tex.
209, 150 S.W.2d 70 (1941); Popham v. Patterson, 121 Tex. 615, 51
S.W.2d 680 (1932); Caples v. Cole, 129 Tex. 370, 102 S.W.2d 173
(1937).

Senate Bill 21, Acts of the 61st Legislature, 2nd C.S.,
1969, Ch. 22, p. 87, passed the Senate on September 6, 1969, by

a record vote of 29 yeas and no nays, and passed the House on September 8, 1969, by a record vote of 136 yeas and no nays. The above recorded votes constitute two-thirds of all the members of each House within the meaning of Section 39 of Article III of the Constitution of Texas.

The provisions of the above quoted Section 39 having been complied with, Senate Bill 21 became effective in accordance with the provisions of the emergency clause, which reads, in part, as follows: ". . . this Act shall take effect and be in force from and after its passage, and it is so enacted."

"Date of passage" has been construed by the judiciary of this State to mean the date the act becomes operative as a law. Scales v. Marshall, 96 Tex. 140, 70 S.W. 945 (1902); Galveston, H. & S.A. Ry. Co. v. State, 81 Tex. 572, 17 S.W. 67 (1891); Calvert v. General Asphalt Co., 409 S.W.2d 935 (Tex.Civ. App. 1966, no writ).

In the instant case the Governor, pursuant to the provisions of Section 14 of Article IV of the Constitution of Texas, signed Senate Bill 21 on September 19, 1969. Therefore, the effective date when the Act became operative is September 19, 1969.

S U M M A R Y

The effective date of Senate Bill 21, Acts of the 61st Legislature, 2nd C.S., 1969, Ch. 22, p. 87, is September 19, 1969.

Very truly yours,


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